

**REMARKS**

Applicant has carefully considered the Examiner's latest Office Action. In rejecting various of the claims as anticipated by the disclosure of Kosich, the Examiner has failed to apply the proper test for anticipation. As pointed out in the MPEP:

"The identical invention must be shown in as complete detail as contained in the claim...the elements must be arranged as required by the claim." (MPEP, pg. 2100-73, 8<sup>th</sup> Ed., Rev. 2)

Embodiments of the present invention couple a selected candela output with a respective peak current flow in the charging circuit. The use of an adjustable control element, either mechanical or electrically settable, to specify an output illumination parameter in combination with a respective, limited, peak current of the device results in a more energy efficient device than is the case with a singular peak current valve. The adjustable nature of devices which embody the present invention makes installation quick and easy. A single device can be set to one of a plurality of candela outputs. At the same time a respective peak charging current is also set.

The rejection of the pending claims 23-26, 30-39 and 49-55 as anticipated by Kosich as explained below is defective. Unlike the claimed structures, Kosich merely provides a fixed peak current value flowing in conductor 30 without regard for output illumination. The inductive currents flowing in conductor 30 are limited to a level which are set by the electronic components such as the value of resistor 36 which is in turn coupled across opto coupler 44 having components 46 and 48.

The above noted circuit characteristics in the description in Kosich make it clear that the peak current limitation has a singular value for the purpose of avoiding saturation of the inductor 30 as stated therein:

"a strobe alarm circuit which limits the peak current flowing through the inductor to a predetermined value which remains relatively constant with

variations in supply voltage so as to enable precise specification of the parameters of the inductor without dangerous saturation." (Col. 1, lns. 43-48)

Hence, Kosich provides a static circuit topography with no provision for variations. Kosich has solved a different problem than has the claimed structures. In rejecting claim 23 the Examiner stated:

"Kosich discloses plurality of visual output devices, each of the devices includes a control element which is one of, mechanically moveable or electrically settable, to limit a peak current draw of the respective device."  
(Office Action pg. 2, numbered section 2)

However, the above fails to address the fact that Kosich discloses only a single device, not a plurality of output devices. Additionally, Kosich's circuit, see the sole figure thereof, does not include any control elements which are mechanically moveable or electrically settable whatsoever. Further, as discussed above, the circuit of Kosich limits inductive current based on circuit values with no provisions being made for variations in peak current value.

Further rejecting claims 24 and 25 the Examiner on page 2 of the Office Action stated:

"Kosich discloses the output devices each includes a triggerable light emitting output device and the control element alters a light output parameter in accordance with the limited peak current draw. See figure 1."

It is submitted that the above misstates the disclosure of the sole figure of Kosich which includes no control element whatsoever. Kosich provides no structure to alter a light output parameter as asserted by the Examiner. Relative to the rejection of claims 30-55, the Examiner in referring to claim 30 stated:

"Kosich discloses alarm system comprising: a visual output element; a source of energy to illuminate the element; a control, circuit coupled to the source of energy; and a current limiting circuit, coupled to the control circuit to

limit maximum current draw" (bottom two lines and top two lines pages 2 and 3 of Office Action)

However, anticipation requires that the prior art document being relied on in support of anticipation rejection disclose all the limitations of the respective claim as those limitations appear in the claim. Unlike the structures of claims 30-54 Kosich provides no teaching or disclosure relative to adjusting an illumination output from the source of lumination 12 therein. Only a fixed illumination level is emitted from the circuitry of Kosich et al. This is unlike the claimed structures.

More particularly, relative to claim 30, and its dependent claims, claim 30 includes the following limitation unmet by Kosich:

"a current limiting circuit, coupled to the control circuit, to limit maximum current draw as a function of a selectable output illumination parameter." (pending claim 30)

The dependent claims add additional structure not disclosed, suggested or in any way provided for in Kosich. For example, claim 31 requires:

"circuitry to adjust the current limiting circuit in response to selecting one of a plurality illumination parameters." (pending claim 31)

As noted above, Kosich merely provides a static circuit which emits a singular output illumination level and which limits maximum current to that which can flow in the inductor "without danger of saturation" (col. ln. 48 Kosich).

Further, relative to claim 34 the Examiner stated:

"Kosich discloses the circuitry to adjust including at least one of a manually manipulatable element. See figure 1." (Page 3 Office Action lines 13, 14)

As described above, there is no such "manually manipulatable element" present in the circuitry of Kosich. Similar comments apply to the Examiner's defective rejection of claim 35.

In rejecting claim 49 the Examiner stated:

"Kosich discloses that, the manually manipulatable element, is one of linearly moveable. See figures 1." (Page 4 top two lines Office Action)

As discussed above, there is no manually manipulatable element whatsoever in Kosich. Kosich's structure is a static circuit with fixed elements. Additionally, claim 50 adds the following unmet limitation to claim 49:

"where the manually manipulatable element is coupled to the current limiting circuit to limit current drawn in accordance therewith."

As discussed above, Kosich discloses merely a static circuit configuration with no variability. Relative to the rejections of pending claims 53, 54, 55, the Examiner made reference to the fact that:

"Kosich discloses the housing carries a manually manipulatable control member to select an illumination parameter. See figure 1." (Page 4 Office Action lines 11, 12)

As described above, Kosich discloses merely a static circuit configuration without any "manually manipulatable control member to select an illumination parameter" as asserted by the Examiner. The circuitry of Kosich provides a singular illumination parameter.

The rejections of claims 54 and 55 are further defective in view of the absence of a "manually manipulatable control member" in Kosich.

The rejections of claims 56-60, which depend from claim 23, were unfortunately not articulated in the Office Action. It is submitted that pending claims 56-60 are allowable for at least the same reasons as is claim 23, discussed above. Additionally, each of those claims adds additional structure which in combination is not anticipated by Kosich. For example, claim 59 requires that:

Appl. No. 10/714,707  
Amendment C  
Reply to Office Action mailed May 18, 2005

"pairs of peak current limiting and respective different settings are linked." (pending claim 59)

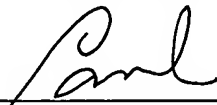
As discussed above, Kosich discloses a static circuit configuration which limits peak inductor current in accordance with that required to avoid saturation of the inductor. This configuration addresses a completely different problem than addressed by the claims of the pending application.

Hence, for at least the above reasons the rejected claims are also allowable. Allowance of the application is respectfully requested.

Respectfully submitted,

Dated: August 15, 2005

By



Paul M. Vargo  
Reg. No. 29,116  
WELSH & KATZ, LTD.  
120 South Riverside Plaza, 22<sup>nd</sup> Floor  
Chicago, Illinois 60606-3912  
Phone: (312) 655-1500  
Fax: (312) 655-1501